

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DANIEL HOUDE, )  
Plaintiff, )  
vs. ) CIVIL ACTION  
ROBERT TURGEON, STEPHEN GUNNERSON, ) NO. 05-40075-FDS  
KEVIN JOHANSON, MATTHEW D'ANDREA, )  
BRIAN HALLORAN, THOMAS DUFFY, )  
SEAN MCCANN and CITY OF WORCESTER )  
Defendants, )  
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)

**NOTICE OF DISCOVERY CONFERENCE**  
**August 15, 2006**

**HILLMAN, M.J.**

Nature of the Proceeding

By Order of Reference dated July 31, 2006, this case has been referred to me for disposition of Plaintiff, Daniel Houdes' [sic], Motion To Compel Production of Documents (Docket No. 27).

Background

Daniel Houde has filed a complaint against Worcester Police Officers Robert Turgeon, Stephen Gunnerson, Kevin Johanson, Matthew D'Andrea, Brian Halloran, Thomas Duffy, and Sean McCann and the City of Worcester alleging claims under 18 U.S.C. §1983 for violation of his constitutional rights as the result of his alleged false arrest and the defendant officers' alleged use of excessive force against him, and various state law tort claims.

Discussion

The plaintiff seeks to compel the production of the complete personnel files of the defendant officers and all complaints, judgments, and settlement agreements in civil rights lawsuits filed against the city since 2001. The defendants respond that these requests are untimely because the plaintiff's original Rule 34 request did not seek these documents. A review of the plaintiff's Rule 34 request supports the defendants' argument. While one or more of plaintiff's Rule 34 requests may, if read broadly, incorporate categories of the documents which are now the subject of his motion to compel, the request(s) lack sufficient specificity. Perhaps that is why the plaintiff, in filing his motion to compel, has not fully complied with the provisions of L.R., D.Mass. 37.1(B)(4) and (5), which require that he identify the *specific* Rule 34 request which has not been complied with, together with a statement setting forth his position on "each contested issue."

However, in an effort to avoid unnecessary delay, this court will hold a discovery conference on the above requests in order to determine whether the discovery can be obtained without the benefit of further filing and expense.

Conclusion

Accordingly, the Court will hold the discovery conference on the issue of the production of the complete personnel files of the individual defendants and on the requested production of all complaints, judgments, and settlement agreements in civil rights suits filed against the City of Worcester since 2001 on Tuesday, September 5, 2006 at 10:00 a.m in Courtroom 1, Donohue Federal Building & U.S. Courthouse, 595 Main Street, Worcester, Massachusetts.

/s/Timothy S. Hillman  
TIMOTHY S. HILLMAN  
MAGISTRATE JUDGE